

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

DEAN C. BOYD

PLAINTIFF

VS.

CIVIL ACTION NO. 3:20CV420TSL-RPM

MENARVIA NIXON GADDIS, ET AL.,

DEFENDANT

ORDER

This cause is before the court on the report and recommendation of Magistrate Judge Robert P. Myers entered on November 9, 2022, recommending that the separate motions of defendants Menarvia Nixon Gaddis and William Brazier for summary judgment be granted. Plaintiff has not filed an objection and the time for doing so has expired. Having reviewed the report and recommendation, the court concludes that the magistrate judge's report and recommendation will be adopted as the opinion of the court.

Accordingly, it is ordered the report and recommendation of United States Magistrate Robert P. Myers entered on November 9, 2022, be, and the same is hereby, adopted as the finding of this court. It follows that the separate motions of defendants Gaddis and Brazier for summary judgment are granted. It is further ordered that Boyd is assessed a strike pursuant to 28 U.S.C. § 1915(g) based upon his failure to state a claim. Boyd is cautioned that if he acquires three or more strikes, he shall be

barred from proceeding in forma pauperis unless he is under imminent danger of serious physical harm. Based on this order, together with the court's orders of July 13, 2020 and September 3, 2021, dismissing, respectively, other named defendants and state law claims against defendant Gaddis, the complaint will be dismissed with prejudice.

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 6<sup>th</sup> day of December, 2022.

/s/ Tom S. Lee  
UNITED STATES DISTRICT JUDGE